

Application Serial No. 10/571,730
Attorney Docket No. 10191/4357
Reply to Office Action of April 7, 2009

AMENDMENTS TO THE DRAWINGS:

The accompanying Replacement Sheet is for Figure 1 and replaces the original sheet. In Figure 1, the reference numeral 10 has been removed. No new matter has been added. Approval and entry are respectfully requested.

Attachments: One (1) Replacement Sheet

REMARKS

Claims 9 to 13 are added, and therefore claims 5 to 13 are now pending in the present application.

It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants thank the Examiner for acknowledging the claim for foreign priority, and for indicating that all certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO 1449 paper and cited references.

The drawings were objected to because they did not include the “1” and “2” that were mentioned in the specification, and because figure 1 includes the reference label “10” not mentioned in the specification. The specification has been amended to change the “1” to “L” and to change the “2” to “S2”, as suggested. Figure 1 has been amended to remove the reference label “10”. Withdrawal of the objections to the drawings is therefore respectfully requested.

The specification and title were objected to for the reasons stated in the Office Action. While the objections may not be agreed with, to facilitate matters, the specification now references the related application information and the title has been rewritten. Approval and entry are respectfully requested, as is withdrawal of the objections.

Claims 5 to 8 were objected to because of informalities. While the objections may not be agreed with, to facilitate matters, the claims have been rewritten. Withdrawal of the objections is therefore respectfully requested.

Claims 5 and 7 to 8 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,788,527 (“Johansson”).

As regards the anticipation rejections of the claims, to reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (*See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained

herein, it is respectfully submitted that the Office Action does not meet this standard, for example, as to all of the features of the claims. Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter. (See *Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

As further regards the anticipation rejections, to the extent that the Office Action may be relying on the inherency doctrine, it is respectfully submitted that to rely on inherency, the Office must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics *necessarily* flows from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; and see *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int’f. 1990)). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherency of that result or characteristic.

While the rejections may not be agreed with, to facilitate matters, claim 5 has been rewritten to better clarify the subject matter recited therein.

Claim 5, as presented, includes the feature of *a first sensor powered by a line, the first sensor preprogrammed with a first time interval for transmitting data via the line; a second sensor powered by the line in parallel with the first sensor, the second sensor preprogrammed with a second time interval for transmitting data via the line; a first timing sequence control system included within the first sensor; and a second timing sequence control system included within the second sensor; wherein, at a point in time of receiving a first power level, the first timing sequence control system is triggered and, upon being triggered, controls the transmission of the first sensor so that the first sensor transmits data via the line for the first time interval; and wherein, at a point in time of receiving the first power level, the second timing sequence control system is triggered and, upon being triggered, controls the transmission of the second sensor so that the second sensor transmits data via the line for the second time interval after the first time interval.*

The “Johansson” reference refers to applying an initial control signal to power source lines to activate a clock/logic network associated with each group of remote sensing devices and load devices, where the initial control signal defines and synchronizes a plurality of time intervals following the initial control signal. In stark contrast, the presently claimed sensor system provides sensors with preprogrammed time slots for transmission and, in doing so, is able to transmit unidirectionally without elaborate electronics. In contrast to the system

of the “Johansson” reference, the presently claimed sensor system results in a highly reliable, cost-effective and very simple product.

In particular, the claim features of the present invention are not identically disclosed (nor even suggested) by the “Johansson” reference. The “Johansson” reference does not identically disclose (nor even suggest) a first sensor powered by a line, the first sensor preprogrammed with a first time interval for transmitting data via the line and a second sensor powered by the line in parallel with the first sensor, the second sensor preprogrammed with a second time interval for transmitting data via the line, as provided for in the context of the presently claimed subject matter. Even if the “Johansson” reference did refer to predetermined time intervals, the “Johansson” reference does not identically disclose (nor even suggest) preprogramming a sensor with a time interval for transmitting data via a line, as provided for in the context of the presently claimed subject matter.

The “Johansson” reference also does not identically disclose (nor even suggest) a first timing sequence control system included within the first sensor; and a second timing sequence control system included within the second sensor; in which, at a point in time of receiving a first power level, the first timing sequence control system is triggered and, upon being triggered, controls the transmission of the first sensor so that the first sensor transmits data via the line for the first time interval; and in which, at a point in time of receiving the first power level, the second timing sequence control system is triggered and, upon being triggered, controls the transmission of the second sensor so that the second sensor transmits data via the line for the second time interval after the first time interval.

Even if the “Johansson” reference did refer to each remote device being associated with a clock/logic circuit, the “Johansson” reference does not identically disclose (nor even suggest) a first timing sequence control system included within the first sensor, and a second timing sequence control system included within the second sensor. In particular, the clock/logic circuit referred to by the “Johansson” reference is provided in the vicinity of the remote devices, and is not included within a sensor. Further, the “Johansson” reference does not even indicate that each remote device is associated with its own clock/logic circuit, but instead indicates that multiple remote devices are associated with the same clock/logic circuit.

Accordingly, claim 5, as presented, is allowable, as are its dependent claims 7 and 8.

Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the “Johansson” reference in view of U.S. Patent No. 4,540,890 (“Gangemi”).

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *See KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claim 6 depends from claim 5, as presented, and is therefore allowable for essentially the same reasons as claim 5, since the “Gangemi” reference does not overcome — and is not asserted to overcome — the critical shortcomings of the “Johansson” reference with respect to claim 5. Withdrawal of the obviousness rejection of claim 6 is therefore respectfully requested.

New claims 9 to 13 do not add any new matter and are supported by the present specification. New claim 9 includes features like those of claim 5, as presented, and is therefore allowable for essentially the same reasons, as are its dependent claims 10 to 13.

In summary, all of pending claims 5 to 13 are allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all pending claims 5 to 13 are in condition for allowance. It is therefore respectfully requested that the rejections (and any objections) be withdrawn. Since all issues raised by the Examiner have been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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